

Approved: 3/22/07
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on January 25, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Brad Bryant, Secretary of States Office
Senator Julia Lynn

Others attending:

See attached list.

Ken Wilke of Revisor of Statutes office gave summary of **SB 131 Authorized poll agent; limitation on time for authorization.**

Brad Bryant of Secretary of States office gave testimony in favor of **SB 131 (Attachment 1).**

Brad Bryant gave clarification on the role of poll agents.

Discussion.

Closed hearing on **SB131.**

Ken Wilke gave summary on **SB135 Authorized poll agents ;qualifications .**

Senator Lynn gave her testimony in favor of **SB 135 (Attachment 2).**

Discussion.

Brad Bryant of the Secretary of States office gave testimony in favor of **SB 135 (Attachment 3.**

Discussion.

Hearing closed.

Respectfully Submitted,

Zoie C. Kern, Committee Secretary

Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for 1/25/07, 2007

Please print in BLACK ink.

Name

Representing

Brad Bryant Sec. of state

Matt Bryant Carter Group

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 131

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 25, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 131. This bill would require authorized poll agents to be appointed by noon on the Friday before any election.

The Secretary of State supports tighter procedures for appointing poll agents and creation of a public record of who is authorized to act as a poll agent in a given jurisdiction.

However, we propose two amendments to the bill.

1. Current law does not require all poll agent appointments to be filed with the county election office. Thus, there is no way to determine whether the deadline proposed by SB 131 is met. We propose an amendment to establish a requirement that such appointments be filed with the county election officer.

2. The bill does not deal with poll agent activity at advance voting sites, which will become more important if the option for satellite advance voting is extended to all counties (SB 65 and HB 2019). We propose an amendment to SB 131 to define the deadline for poll agent appointments to the second business day before the election instead of Friday before the election, and to add language to include advance voting sites.

We have attached a proposed amendment.

We urge the committee to amend SB 131 as proposed and to recommend the bill favorably, as amended, for passage.

Thank you for your consideration.

25-3005a

Chapter 25.--ELECTIONS

Article 30.--ORIGINAL CANVASS OF ELECTIONS

25-3005a. Authorized poll agent; definition; appointment; identification; application of section. (a) As used in this act "authorized poll agent" means any one of the following persons:

- (1) Chairperson of county party committee;
- (2) chairpersons of committees concerned with question submitted elections;
- (3) chairperson of state party committee;
- (4) any candidate;
- (5) any precinct committeeman or precinct committeewoman;
- (6) any write-in candidate who has filed an affidavit of write-in pursuant to K.S.A. 25-305, and amendments thereto;
- (7) any person appointed as provided in this section by any of the persons specified in this subsection.

(b) Every person appointed to be an authorized poll agent under authority of this act shall be so appointed in writing by the person making such appointment. *No person shall be appointed to be an authorized poll agent after 12:00 noon on the ~~Friday~~ second business day preceding the election or preceding the opening of an advance voting site.* Such written appointment shall be filed with the county election officer, and a copy of such appointment shall be carried by the authorized poll agent at all times such person is acting as such agent and shall be displayed upon demand of any member of any election board or any other election officer. Every appointment of an authorized poll agent shall be made in such form as is approved by the secretary of state. The number of authorized poll agents in each voting place at any one time appointed by any of the following shall be limited to the number indicated:

- (1) State and county chairpersons, one;
- (2) candidates, not to exceed one each;
- (3) precinct committeemen and committeewomen, one each;
- (4) the chairperson of each committee or organization concerned with any election on a question submitted, one each;
- (5) write-in candidates who have filed an affidavit or write-in pursuant to K.S.A. 25-305, and amendments thereto, one each.

(c) When any candidate or any precinct committeeman or precinct committeewoman is acting as an authorized poll agent, such person shall carry identification which shall be supplied by the county election officer. Such identification shall indicate the authority by which such person is an authorized poll agent, and the same shall be in such form as is approved by the secretary of state. Whenever an authorized poll agent is required to carry identification under the provisions of this subsection such agent shall display the same upon demand of any member of any election board or any other election officer.

(d) The provisions of this section shall apply to all elections.

History: L. 1969, ch. 185, § 1; L. 1993, ch. 287, § 12; July 1.



SENATOR JULIA LYNN

**Testimony on SB 135
before
Elections and Local Government Committee**

Chairman Huelskamp and Committee Members, I am Senator Julia Lynn, and I want to thank you for the opportunity to stand and testify before the Committee in regard to SB 135.

Under current law, an authorized poll agent can be:

1. Chairperson of County Party Committee
2. Chairpersons of Committees concerned with question submitted elections
3. Chairperson of State Party Committee
4. Any Candidate
5. Any Precinct Committeeman or Committeewoman
6. Any Write-in Candidate

Any of the above persons may appoint one authorized poll agent per polling place, in writing, and proof of such appointment shall be carried at all times by the person appointed, and shall be displayed upon demand of any election officer or member of any election board..

Because of issues arising in the last election cycle, involving out of state poll agents apparently utilizing disruptive tactics which interfered with normal operations at various polling places, and seemed to erode the confidence on the part of many voters, I support the following changes to SB 135:

Appointed poll agents shall be registered Kansas voters and reside in the County in which such person will serve as an authorized poll agent, or a Kansas county contiguous to the county in which such person will serve as an authorized poll agent. These changes would provide increased confidence on the part of the voters that the integrity of Kansas elections will be ensured.

This concludes my testimony, and I would be happy to stand for questions at the appropriate time.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 135

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 25, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 135. This bill would establish registration and residency requirements for authorized poll agents.

The Secretary of State supports initiatives to promote an orderly voting process, and we believe passage of Senate Bill 135 will enhance the process.

However, we wish to raise two questions and propose amendments for the committee's consideration.

1. On page 2, line 15—This provision may be construed to allow residents of counties in bordering states to act as poll agents. This question may be answered by the language in line 11 that says "Be a registered Kansas voter." If there is doubt, it could be clarified by insertion of the words "in Kansas" after the first occurrence of the word "county" in line 15.

2. On page 2, line 17—It might not be clear that this exception does not apply to appointed poll agents. Once a person is appointed to be an authorized poll agent, poll workers and county election officials might not be able to distinguish them from candidates and party officials acting as poll agents. This could be clarified by insertion of the words "as defined in subsection (a)" at the end of line 18.

We urge the committee to amend Senate Bill 135 as proposed and to recommend the bill favorably, as amended, for passage. Thank you for your consideration.